



Senate

General Assembly

File No. 98

January Session, 2015

Senate Bill No. 868

Senate, March 17, 2015

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-127 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this part unless the context otherwise requires:
4 "Commissioner" means the Commissioner of Energy and
5 Environmental Protection; "federal waters" means the navigable waters
6 of the United States within the territorial limits of the state; "state
7 waters" means all waters within the territorial limits of the state except
8 federal waters; "vessel" means every description of watercraft, other
9 than a seaplane on water, used or capable of being used as a means of
10 transportation on water; "motorboat" means any vessel, not more than
11 sixty-five feet in length and propelled by machinery, whether or not
12 such machinery is the principal source of propulsion; "sailboat" means
13 any vessel propelled by sail alone; "sailboard" means any sailboat
14 whose unsupported mast is connected by a swivel or a flexible

15 universal joint to a hull similar to the hull of a surfboard; ["water-
16 skiing"] "water skiing" includes [aquaplaning,] towing of any person
17 behind a vessel under power, whether such person is tethered or not,
18 and similar forms of activity in which a passenger exits a vessel and
19 uses the suction or wake of the underway vessel to engage in the
20 activity; "operate" means to navigate or otherwise use a vessel; a vessel
21 is "under way" when it is not moored, anchored, made fast to the shore
22 or aground; "person" means any individual, partnership, firm,
23 association, limited liability company, corporation or other entity;
24 "town" includes city, town, borough and any other political
25 subdivision of the state; "masthead light" means a white light placed
26 over the fore and aft centerline of the vessel aft of and higher than the
27 side lights and forward of the stern light showing an unbroken light
28 over an arc of the horizon of 225 degrees and so fixed as to show the
29 light from right ahead to 22.5 degrees abaft the beam on either side of
30 the vessel; "side light" means a green light on the starboard side or a
31 red light on the port side, placed forward of the stern light and as near
32 as practicable to the bow of the vessel, each showing an unbroken light
33 over an arc of the horizon of 112.5 degrees and so fixed as to show the
34 light from right ahead to 22.5 degrees abaft the beam on its respective
35 side, except that on a vessel of less than twenty meters in length the
36 side lights may be combined in one lantern carried on the fore and aft
37 centerline of the vessel; "stern light" means a white light placed as near
38 as practicable to the stern showing an unbroken light over an arc of the
39 horizon of 135 degrees and so fixed as to show the light 67.5 degrees
40 from right aft on each side of the vessel; "all-around light" means a
41 light showing an unbroken light over an arc of the horizon 360
42 degrees; "anchor light" means an all-around white light exhibited
43 forward and displayed where it can best be seen; [and] "international
44 regulations" means the International Regulations for Preventing
45 Collisions at Sea, 1972, including annexes currently in force for the
46 United States; and "Jettied Articulated Vessel" or "JAV" means any
47 vessel that consists of a base pumping unit used to generate water or
48 other media under pressure, an articulated hose used to convey media
49 under pressure and a device, including, but not limited to, a platform,

50 backpack or boots through which high-pressure media is ejected,
51 elevating or submerging an operator or passenger.

52 Sec. 2. Section 15-134 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective from passage*):

54 (a) No person shall operate a motorboat towing a water skier unless
55 there is present in such motorboat, in addition to the operator, a
56 responsible person at least twelve years of age assisting the operator
57 and observing the progress of such water skier.

58 (b) No person shall engage in water skiing and no person shall
59 operate a motorboat towing a person so engaged on any water area on
60 which water skiing is prohibited.

61 (c) No person shall operate a vessel when the number of persons on
62 board such vessel that is towing one or more water skiers, added
63 together with the number of water skiers, exceeds the persons carrying
64 capacity of such vessel, as indicated by the capacity label affixed to
65 such vessel by the manufacturer.

66 [(c)] (d) No person shall engage in water skiing from one-half hour
67 after sunset until sunrise or when weather conditions restrict normal
68 visibility to less than one hundred yards.

69 [(d)] (e) No person shall engage in water skiing in such manner as to
70 strike or threaten to strike any person or vessel and no person shall
71 operate a motorboat or manipulate a tow line or other towing device in
72 such manner as to cause a water skier to strike or threaten to strike
73 another person or vessel.

74 (f) No person shall operate a vessel engaged in water skiing such
75 that the wake associated with such vessel creates an injury to any
76 person or damage to any vessel or structure.

77 [(e)] (g) The commissioner may modify or suspend the provisions of
78 this section in respect to any person performing or competing in a
79 bona fide race, regatta, water carnival or similar public event.

80 [(f)] (h) (1) No individual, municipality, association or corporation
81 shall place or cause to be placed on the waters of this state any marked
82 course or jump ramp for use by any water skier or vessel without
83 written authorization of the commissioner except on lakes or ponds
84 owned by, and whose access is entirely under the control of, private
85 landowners or lessees who all agree to the establishment of such
86 course or ramp. On and after October 1, 1993, no new authorization
87 shall be granted on any body of water with a surface area less than one
88 hundred acres. Application for authorization shall be made on forms
89 provided by the commissioner and shall be accompanied by: (A) A
90 detailed map showing the proposed location of such marked course or
91 jump ramp, (B) a detailed diagram of the proposed course markers or
92 jump ramp, and (C) a detailed statement addressing the safety and
93 environmental impact of such proposal.

94 (2) The commissioner shall hold an informational meeting in the
95 town or one of the towns in which authorization is sought, giving all
96 towns involved and all interested persons an opportunity to present
97 their views regarding the proposed marked course or jump ramp. Any
98 such informational meeting shall not be deemed to be a hearing under
99 the provisions of chapter 54. Prior to issuing or denying such
100 authorization the commissioner shall consider: (A) The completeness,
101 accuracy and detail of the application, (B) public safety, (C) any
102 environmental impacts directly related to the proposed marked course
103 or jump ramp, and (D) the possible conflicts with other water uses.

104 (3) Any authorization issued by the commissioner pursuant to this
105 subsection may contain such conditions as the commissioner deems
106 necessary to safeguard public safety, welfare or the environment.

107 Sec. 3. Section 15-140j of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective from passage*):

109 (a) As used in this section, "personal watercraft" is any inboard
110 powered vessel less than sixteen feet in length [which] that has an
111 internal combustion engine powering a water-jet pump as its primary
112 source of motor propulsion and [which] that is designed to be

113 operated by a person sitting, standing or kneeling on the vessel, rather
114 than the conventional manner of sitting or standing inside the vessel
115 and "Jetted Articulated Vessel" or "JAV" has the same meaning as
116 provided in section 15-127, as amended by this act.

117 (b) No person shall operate a personal watercraft, a JAV or be a
118 passenger on a JAV unless such person has been issued a certificate of
119 personal watercraft operation by the Commissioner of Energy and
120 Environmental Protection. No person less than sixteen years of age
121 shall operate or be a passenger on a JAV. No owner of a personal
122 watercraft or a JAV shall knowingly authorize or permit a person who
123 is less than sixteen years of age who does not have a certificate of
124 personal watercraft operation issued by the commissioner to operate
125 such personal watercraft, JAV or be a passenger on such JAV on the
126 waters of the state. Notwithstanding the provisions of this section, the
127 commissioner may modify or suspend requirements for a certificate of
128 personal watercraft operation by written authorization with respect to
129 any marine event authorized by the commissioner or upon receipt of a
130 copy of the United States Coast Guard authorization for a marine
131 event.

132 (c) A certificate of personal watercraft operation shall be issued
133 under subsection (b) of this section to any applicant who provides
134 proof that such applicant has: (1) Successfully completed a combined
135 course in safe boating operation and safe personal watercraft handling
136 approved by the commissioner, which courses include, but are not
137 limited to, courses offered by the United States Power Squadrons,
138 Coast Guard Auxiliary or other similar organization, (2) been issued or
139 has satisfied the requirements for issuance of a safe boating certificate
140 and successfully completed a course in safe personal watercraft
141 handling approved by the commissioner, which include, but are not
142 limited to, courses offered by the United States Power Squadrons,
143 Coast Guard Auxiliary or other similar organization, or (3) successfully
144 passed an equivalency examination testing knowledge of safe boating
145 operation and safe personal watercraft handling administered by the
146 commissioner.

147 (d) The commissioner may adopt regulations, in accordance with
148 the provisions of chapter 54, establishing the content of courses in safe
149 personal watercraft handling. Such regulations may include provisions
150 for examinations, issuance of certificates of personal watercraft
151 operation and establishment of a reasonable fee for such course and
152 examination and for the issuance of a certificate and duplicate
153 certificate.

154 (e) Notwithstanding subsection (b) of this section, any person who
155 purchases a new or used personal watercraft may, upon vessel
156 registration, apply to the Commissioner of Energy and Environmental
157 Protection for a temporary certificate of personal watercraft operation
158 [which] that shall be valid for three months from the date of
159 registration, provided the applicant has successfully completed a
160 course in safe personal watercraft handling prior to application for the
161 temporary certificate. No person shall be issued more than one
162 temporary certificate of personal watercraft operation.

163 (f) The commissioner may enter into a reciprocal agreement with
164 any other state [which] that has a similar safe personal watercraft
165 handling certificate program [which] that the commissioner deems
166 acceptable for purposes of this subsection. Any person who
167 successfully completes a course in safe personal watercraft handling
168 and holds a certificate or license from another state [which] that has
169 such a reciprocal agreement with the commissioner may operate a
170 personal watercraft on the waters of this state.

171 (g) Any person required to obtain a certificate of personal watercraft
172 operation pursuant to this section shall have such certificate on board
173 at all times while operating a personal watercraft. On demand of an
174 officer authorized to enforce the provisions of this chapter, such person
175 shall exhibit the certificate to the officer.

176 (h) No passenger shall be permitted to ride in front of the operator
177 on a personal watercraft. No passenger shall be permitted to ride upon
178 a personal watercraft unless the passenger is able to securely hold onto
179 the person in front of them or to the handholds on the personal

180 watercraft, and is able to keep both feet on the deck of the personal
 181 watercraft so as to maintain balance while the personal watercraft is in
 182 operation.

183 (i) Unless otherwise authorized by the commissioner pursuant to
 184 section 15-140b, no person shall operate a JAV in any slow-no-wake
 185 area except to transit such slow-no-wake area. No person shall operate
 186 a JAV within two hundred feet of any dock, shore, pier or fixed
 187 structure or within one hundred feet of any vessel except to directly
 188 transit the area of such dock, shore, pier, fixed structure or vessel.

189 [(i)] (j) No person shall teach a course in safe personal watercraft
 190 handling that satisfies the requirements for issuance of a certificate of
 191 personal watercraft operation unless the commissioner has approved
 192 such course.

193 [(j)] (k) No Department of Energy and Environmental Protection
 194 agent or employee shall use department safe personal watercraft
 195 handling course materials for personal financial gain.

196 [(k)] (l) Any person who violates any provision of this section shall
 197 be fined not less than sixty dollars or more than two hundred fifty
 198 dollars for each such violation.

199 [(l)] (m) A certificate of personal watercraft operation may be
 200 suspended or revoked in accordance with the provisions of section 15-
 201 132a, 15-133, 15-140l or 15-140n.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	15-127
Sec. 2	<i>from passage</i>	15-134
Sec. 3	<i>from passage</i>	15-140j

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	Under 1,000	Under 1,000

Municipal Impact: None

Explanation

The bill (1) extends the definition of water skiing to include watersports performed behind a vessel regardless of tethering, (2) establishes that the aggregate number of water skiers and vessel occupants cannot exceed the boat's specified carrying capacity, and (3) establishes new requirements for operators and passengers of jetted articulated vehicles (JAVs).

It is anticipated that revenue generated from violations of these new and expanded watercraft provisions would generate less than \$1,000 annually.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

¹ In FY 14, violations of personal watercraft operation generated \$4,020 in revenue.

OLR Bill Analysis**SB 868*****AN ACT REGULATING THE USE OF JETTED ARTICULATED VESSELS AND CERTAIN WATER SKIING DEVICES.*****SUMMARY:**

This bill establishes requirements for operators and passengers of jetted articulated vehicles (JAVs) similar to the requirements for personal watercraft operators. It defines a JAV as a base pumping unit—often a modified personal watercraft (PWC, e.g., jet ski)—used with an articulated hose to convey water or other media under pressure, and a platform or other device through which the high pressure media is ejected, elevating or submerging the operator or passenger.

Under the bill, in order to operate or be a passenger on a JAV, a person must (1) hold a certificate of personal watercraft operation (CPWO) and (2) be at least age 16. The bill prohibits a JAV owner from knowingly allowing someone under age 16 without a CPWO to use a JAV. It also prohibits operating a JAV (1) in a slow-no-wake area; (2) within 200 feet of a dock, shore, pier, or fixed structure; and (3) within 100 feet of any vessel, except to transit the area, unless the Department of Energy and Environmental Protection (DEEP) commissioner grants permission (e.g., for a parade, exhibition, or tournament). Violators of the JAV requirements are subject to a \$60 to \$250 fine for each violation.

The bill also extends the definition of water skiing to include watersports performed behind a vessel whether or not the person is tethered (e.g., wake surfing). By doing so, it subjects all such watersport participants to the law's water skiing safety requirements (e.g., having a monitor on board who is at least age 12). Under the bill, the aggregate number of water skiers and vessel occupants cannot

exceed the vessel manufacturer's specified carrying capacity. And no one can operate a vessel engaged in water skiing in a way that causes wakes to damage or injure property or people.

EFFECTIVE DATE: Upon passage

WATER SKIING

Under the bill, water skiing includes towing someone behind a vessel, whether or not the person is tethered, and similar activities in which a passenger exits the vessel and uses the vessel's suction or wake to engage in the activity.

By law, no one may:

1. operate a motorboat engaged in water skiing unless there is a responsible person at least age 12 on board assisting the operator and observing the water skier's progress;
2. water ski or operate a motorboat engaged in water skiing (a) anywhere that water skiing is prohibited or (b) in a way that strikes or threatens to strike another person or vessel; and
3. water ski (a) from one-half hour after sunset to sunrise and (b) when weather conditions limit visibility to less than 100 yards.

BACKGROUND

Obtaining a CPWO

To obtain a CPWO from DEEP, an applicant must:

1. successfully complete a combined course in safe boating operation and safe PWC handling approved by the DEEP commissioner;
2. meet the requirements for a safe boating certificate and successfully complete a safe PWC handling course approved by the commissioner; or
3. successfully pass an equivalency examination administered by

the commissioner testing the applicant's knowledge of safe boating operation and safe PWC handling.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 27 Nay 0 (02/27/2015)